

**MINUTES  
FREMONT CITY COUNCIL REGULAR MEETING  
JUNE 1, 2010  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** Vice Mayor Wieckowski led the salute to the flag.

**1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

**1.4 Announcements by Mayor/City Manager**

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes** – None.

- \* **2.3 Mayor Wasserman opened consideration of Annual Delegation of Authority to City Treasurer to Manage Investments, and Annual Approval of Investment Policy**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2010-34 delegating the City Council's authority to invest and reinvest public funds, and to sell or exchange securities so purchased, to the Finance Director/City Treasurer for one year or until earlier revoked by the City Council; and approving the City's investment policy statement for FY 2010/11.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None

Abstain: None

**\* 2.4 Mayor Wasserman opened consideration to Authorize the City Manager to Sign Addendums to FY 2009/10 Contracts with the Alameda County Area Agency on Aging for Case Management, Family Caregiver Support and the Senior Center, and to Appropriate Additional Funding**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council authorized the City Manager or designee to execute FY 2009/10 contract amendments with the Area Agency on Aging for case management, caregiver support, and the senior center programs; and appropriated an additional \$3,059 to Fund 106 and \$12,520 to Fund 173.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.5 Mayor Wasserman opened consideration to Approve Agreement with Central Valley Toxicology Inc., for Forensic Toxicology Testing of Blood and Urine for Presence of Alcohol and/or Drugs**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council authorized the City Manager, or his designee, to execute a two-year agreement with Central Valley Toxicology, Inc. (CVT), to provide forensic toxicology testing services for the Police Department. The agreement shall have the option to extend the contract for an addition 12-month period; however, the total compensation to CVT shall not exceed \$200,000 during the life of the agreement.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**2.6 Mayor Wasserman opened consideration of Public Hearing to Re-Authorize Use of Automated Enforcement Red-light System and Authorize City Manager to Execute Contract with Vendor**

(This item was removed from the Consent Calendar)

Mayor Wasserman opened the public hearing. Roger Jones expressed opposition to approving the execution of a contract as proposed by staff.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council authorized the City Manager or his designee to execute a new contract with Redflex

Traffic Systems, Inc., to provide maintenance and service for the existing ten automated enforcement systems and installation of up to five additional new systems to be implemented over the seven-year term of the contract. Authorized the City Manager or his designee to exercise up the three one-year extensions of the contract, subject to satisfactory performance by the vendor.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

### **3. CEREMONIAL ITEMS – None.**

### **4. PUBLIC COMMUNICATIONS**

#### **4.1 Oral and Written Communications**

Linda Susoev expressed concern for care of the elderly in Fremont. Donna Weis expressed support for the proposed location of the Skate Park near the Waterpark. Bob Fifield presented a petition signed by residents requesting that the proposed Skate Park be placed closer to the existing Teen Center. Wynn Grich (A.T.O.W.N.) expressed concern about the potential contamination of local drinking water.

### **5. SCHEDULED ITEMS – None.**

#### **5.1 Mayor Wasserman opened consideration of First Public Hearing and Council Direction to Staff on the Proposed Fiscal Year 2010/11 Operating Budget**

Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. There were no speakers. By consensus, the Public Hearing was continued to the June 8, 2010 City Council meeting.

#### **5.2 Mayor Wasserman opened consideration of a Public Hearing (Published Notice; Display Ad) to Waive First Reading and Introduce an Ordinance to Consider Planning Commission Recommendation to Amend Fremont Municipal Code Title VIII, Chapter 2, Article 21.7, Inclusionary/Affordable Housing, and to Set the Fees Established under the Amended Ordinance by Resolution**

Community Development Director Jill Keimach introduced the item, provided the framework for the presentation and reviewed the four main interests and goals and the Historical Housing Production and Policy direction pre-nexus study. City Attorney Harvey Levine reviewed recent court cases. Business Manager Don Dorman reviewed the economic analysis study and steps taken to conduct the study by Keyser Marston & Associates. Community Development Director Jill Keimach highlighted the proposed changes to the ordinance and the two proposed implementation measures, the Planning Commission recommendations, and the developer and

advocate desired requested revisions. Mayor Wasserman opened the public hearing. Paul Campos (Building Industry of Bay Area) expressed support for keeping the in-lieu fee at \$14.50 for the next three years without phasing the fee to \$19.50 over a period of three years. Miriam Keller, Linda Manddilini and Joe Head (Summerhill Homes) expressed support for staff's recommendation. Theresa Dias (Abode Services & Allied Housing) expressed support for increasing the in-lieu fee to the maximum extent by prototype. John Smith (Advocates for Affordable Homes in Fremont) encouraged Council to consider the nexus study and come to a reasonable assumption. Raj Salwan expressed support for higher rates as indicated in the nexus study. Nina Moore (Fremont Chamber of Commerce) expressed support for keeping the in-lieu fee at \$14.50 for the next three years and eliminating requirements for 10% increased housing provided. Mark Robson expressed support for staff's recommendation and for keeping the in-lieu fee at \$14.50 for the next three years. There were no other speakers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Vice Mayor Wieckowski, seconded by Mayor Wasserman, the City Council:

1. Held public hearing.
2. Found that the Negative Declaration (Exhibit "A") prepared for this project has been completed in compliance with the requirements of CEQA and reflects the independent judgment of the City, and that approval of this Zoning Text Amendment and setting of Affordable Housing In-lieu and Impact Fees will not have any significant impact on the environment.
3. Found that the Zoning Text Amendment and setting of Affordable Housing In-lieu and Impact Fees is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the goals, policies, and actions set forth in the General Plan's Housing Chapter as enumerated in Exhibit "C."
4. Found the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment because the proposed Zoning Text Amendment and setting of Affordable Housing In-lieu and Impact Fees achieves City housing goals to provide opportunities for housing for all income groups, is consistent with State law, and provides for an economically balanced community as described in the Basis and Purposes section of the proposed ordinance (proposed FMC Title VIII, Chapter 2, Article 21.7, Section 8-22170, Basis and Purposes).
5. Incorporated into the Affordable Housing Ordinance:
  - a. *Residential Project definition* (Section 8-22171(q))
    - i. Applicable to projects with 2 or more net new units or lots.
  - b. *Off-Site Construction* (Section 8-22177(b)(1)) *and Purchase of Existing Market Rate Units Requirement* (Section 8-22177(d)(1))
    - ii. Units to be converted shall be equivalent to the number resulting from 15% basic requirement.
  - c. *Off-Site Construction* (Section 8-22177(b)(2)(b)) *and Purchase of Existing Market Rate Units Locational Criteria* (Section 8-22177(d)(3)(B))
    - ii. If not located within a redevelopment area, units to be converted shall either be located within the same Planning Area, the Central Business District, or within 1-mile of an existing rail station.

6. Waived full reading and introduced an Ordinance amending Fremont Municipal Code Title VIII, Chapter 2, by deleting Article 21.7, Inclusionary Housing Ordinance in its entirety, and replacing it with the provisions set forth in Exhibit “B,” Affordable Housing Ordinance as amended to: apply the provisions of the ordinance to residential projects with two or more units; redefine residential rental and for-sale projects; maintain the existing requirement that 15% of for-sale projects be affordable until July 1, 2015, when the requirement shall be raised to 20% subject to a nexus study; allow all for-sale projects to pay in-lieu fees rather than provide affordable housing on site; permit additional alternatives to the provision of affordable housing on-site in for-sale projects; including rental units, off-site units, land dedication, conversion of existing housing to affordable, and preservation of at-risk units; require residential rental projects without City assistance to pay an affordable housing impact fee; modify the term of affordability for rental and for-sale affordable units; provide that all in-lieu fees and affordable housing impact fees be placed in the Affordable Housing Fund; allow a maximum of 10% of the Fund to be utilized for supportive services and 5% for City administrative costs; prescribe application and fee payment procedures; and include other modifications to Article 21.7
7. Directed the City Clerk to prepare and publish a summary of this ordinance.
8. Adopted Resolution No. 2010-35 as depicted in Exhibit “D,” as amended to set the Affordable Housing Fee at \$19.50 per square foot for all other market rate, for-sale residential projects and rental housing affordable projects, discounted 30% to \$13.65 for the first year of implementation increasing over the initial three year period to \$19.50 to be effective as of July 1, 2013, and \$22.50 per square foot for single-family homes on lots 6,000 square feet or greater, discounted at 30% to \$15.75 for the first year of implementation increasing over the initial three year period to \$22.50
9. Renamed the City’s “Inclusionary Housing In-Lieu Fund” as the “Affordable Housing Fund,” and directed staff to account for the receipt and use of all affordable housing in-lieu fees and affordable housing impact fees separately within the fund.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan

Noes: None

Absent: None

Abstain: None

## 6. REPORT FROM CITY ATTORNEY

### 6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

## 7. OTHER BUSINESS

### 7.1 Mayor Wasserman opened consideration to Award of Tow Service Agreements to Central Towing, All Ways Towing and Transport, and Jack James Towing

Police Chief Craig Steckler provided an overview of the staff report. Staff responded to questions from Councilmembers. Mayor Wasserman opened the item for public comment. Louis Willett (Mission Pass Towing), Jim Schoon, Ted Bressler, Frank Haus, Barbara Render,

Charles Brown, Henry Yin, and Bob Benya expressed opposition to staff's recommendation and in support of renewing the contract with Mission Pass Towing. Michael Dixon (Pro Star Towing) expressed support for a rotational towing system. Alan Morrett, Ron Peck and Dale Johnson (Jack James Towing) expressed support for staff's recommendation. Nina Moore (Fremont Chamber of Commerce) advocated for clear criteria in evaluating all applicants and that all applicants follow the same process and are treated fairly and given equal consideration. Quinn Penning (Central Towing) and Robert Allman (AM PM Towing) expressed concern related to the rating system used to determine the top three companies. There were no other speakers. Mayor Wasserman closed public comment. Another question and answer period followed. Councilmembers provided comment.

By consensus, this item was continued in order to allow staff to return to Council with criteria and information on the selection process.

## **8. COUNCIL COMMUNICATIONS**

### **8.1 Council Referrals – None.**

### **8.2 Oral Reports on Meetings and Events – None..**

## **9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 11:50 p.m.

Attest:

Approved:

---

Dawn G. Abrahamson, City Clerk

---

BOB WASSERMAN, Mayor